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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,076	08/02/2001	Takahisa Kageyama	393032027500	8741
25224	7590	05/23/2006		EXAMINER
MORRISON & FOERSTER, LLP				NGUYEN, MINH DIEU T
555 WEST FIFTH STREET				
SUITE 3500			ART UNIT	PAPER NUMBER
LOS ANGELES, CA 90013-1024			2137	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/922,076	KAGEYAMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh Dieu Nguyen	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 April 2006.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 25, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (6,433,946) in view of Kato (5,953,529) and further in view of Sugiyama et al. (6,744,588).

a) As to claims 1 and 11-12, Ogino discloses a method, device and recording medium for output control and copying prevention control comprising a notification section (Fig. 8, element 18; col. 13, lines 49-56) that notifies a user of a message calling the user's attention to the presence of copyright protection for digital data subject to the specific process in response to an instruction issued on the specific process; a function-setting section that sets a specific function (i.e. anti-duplication control information indicating copying inhibition, copying permission or generation restriction, col. 2, lines 31-33, the anti-duplication control information is added to the video signal and recorded on the recording medium to prevent illegal copying) for removing restriction on the execution of the specific process when the user indicates an acceptance to the contents of the message.

Ogino discloses the write control signal permits writing the video signal on the recording medium (col. 17, lines 5-12; col. 20, lines 43-47) when determination is made by duplication controller whether duplication is to be inhibited or permitted, i.e. Ogino implicitly discloses an execution restriction-removal section that removes restriction on the execution of the specific process based on the set specific function.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of removing the restriction on the execution of the specific process in the system of Ogino so as to make the user interactions with the system more friendly.

Ogino does not expressly disclose an inhibiting section that inhibits the notification section from notifying the user of the message once upon the user's acceptance to the contents of the message.

Kato discloses stopping the issue of the warning message once upon the user confirms the execution of the forced writing (col. 18, lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of stopping the issue of the warning message once upon the user confirms the execution of the forced writing in the system of Ogino, as Kato discloses so as to prevent redundant message and make the system more user friendly.

Ogino and Kato do not expressly disclose records information indicative of the setting of the set specific function to a removable mounted recording medium.

Sugiyama is relied upon for the teaching of recording information indicative of the setting of the set specific function to a removable mounted recording medium (col. 5, lines 5-18) and removing the restriction on the execution of the specific process based on the information indicative of the setting of the set specific functions (Figs. 3A-3B; col. 4, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of recording information indicative of the setting of the set specific function to a removable mounted recording medium and removing the restriction on the execution of the specific process based on the information indicative of the setting of the set specific functions in the system of Ogino and Kato as Sugiyama discloses so as to better protect its copyright.

b) As to claims 2 and 9, Sugiyama as modified above discloses a setting information storage device that can be mounted with a removably mounted recording medium and stores information indicative of the setting of the set specific function in the removably mounted recording medium, and a recording section that stores the information in the removably mounted recording medium of the setting information storage device (Fig. 3B).

c) As to claims 3-4 and 10, Ogino as modified above discloses a data storage device that stores the digital data and wherein the specific process includes storing digital audio data or image data taken in from an outside of the electronic apparatus in the data storage device (Fig. 1).

d) As to claims 5-6, Ogino as modified above discloses the notification section notifies the user of the message in dependence on whether unauthorized duplication of digital data on which the specific process is to be carried out is inhibited (col. 14, lines 43-47; col. 20, lines 16-23).

e) As to claims 7-8, Ogino as modified above discloses the notification section displays a message concerning a copyright on a screen or notifies the message by voice in response to an instruction for executing the specific process or an instruction for setting the specific function (col. 15, lines 6-10).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdn  
5/16/06

*E. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER